

# **Exhibit 1**



**AlaFile E-Notice**

**47-CV-2019-900119.00**

**To: CVS HEALTH CORPORATION  
CT CORPORATION SYSTEM  
2 N. JACKSON ST., STE 605  
MONTGOMERY, AL, 36104**

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**NOTICE OF ELECTRONIC FILING**

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**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

**JUDY MASON V. CVS HEALTH CORPORATION  
47-CV-2019-900119.00**

**The following complaint was FILED on 1/18/2019 11:33:55 AM**

**Notice Date: 1/18/2019 11:33:55 AM**

**DEBRA KIZER  
CIRCUIT COURT CLERK  
MADISON COUNTY, ALABAMA  
MADISON COUNTY, ALABAMA  
100 NORTHSIDE SQUARE  
HUNTSVILLE, AL, 35801**

**256-532-3390**

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>47-CV-2019-900119.00</b>
<b>IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA</b> <b>JUDY MASON V. CVS HEALTH CORPORATION</b>		
<b>NOTICE TO:</b> CVS HEALTH CORPORATION, CT CORPORATION SYSTEM 2 N. JACKSON ST., STE 605, MONTGOMERY, AL 36104 <div style="text-align: center; margin-top: -10px;">(Name and Address of Defendant)</div>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), WILLIAM L. MIDDLETON MR. <div style="text-align: center; margin-top: -10px;">(Name(s) of Attorney(s))</div>		
WHOSE ADDRESS(ES) IS/ARE: P. O. BOX 1607, DECATUR, AL 35602 <div style="text-align: center; margin-top: -10px;">(Address(es) of Plaintiff(s) or Attorney(s))</div>		
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.		
<b>TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:</b>		
<input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.		
<input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>JUDY MASON</u> pursuant to the Alabama Rules of the Civil Procedure. <span style="float: right;">(Name(s))</span>		
<u>1/18/2019 11:33:55 AM</u> (Date)	<u>/s/ DEBRA KIZER</u> (Signature of Clerk)	By: _____ (Name)
<input checked="" type="checkbox"/> Certified Mail is hereby requested. <u>/s/ WILLIAM L. MIDDLETON MR.</u> (Plaintiff's/Attorney's Signature)		
<b>RETURN ON SERVICE</b>		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <div style="text-align: right; margin-top: -10px;">(Date)</div>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ _____ in _____ County, <div style="display: flex; justify-content: space-between; margin-top: -10px;"> <span>(Name of Person Served)</span> <span>(Name of County)</span> </div>		
Alabama on _____ <div style="text-align: center; margin-top: -10px;">(Date)</div>		
_____ (Type of Process Server)	_____ (Server's Signature)	_____ (Address of Server)
_____ (Server's Printed Name)		_____ (Phone Number of Server)

**Election to Proceed under the Alabama Rules for Expedited Civil Actions:** ☐ YES ☒ NO



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CIRCUIT COURT OF  
MADISON COUNTY, ALABAMA  
DEBRA KIZER, CLERK



# IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

**JUDY MASON,**

Plaintiff,

Case No.: CV \_\_\_\_\_

vs.

**CVS HEALTH CORPORATION**, fictitious defendants A, B, & C being that person, firm, corporation or entity who was the owner, operator, manager, shareholder, partner, limited partner, executive director and/or member of the CVS Pharmacy located at 8470 Hwy. 20, Madison, Alabama 35758; at the time of the events made the basis of this lawsuit, who or which injured Judy Mason and who was guilty of negligence, wantonness, and/or breach of duty which proximately caused and/or contributed to the injuries, and damages complained of by the Plaintiff; Nos. 5-6 being that person, firm, corporation or other entity who is responsible for maintaining, cleaning, painting, marking, designating, and/or making safe the CVS Health Corporation parking lot located at 8470 Hwy. 20, Madison, Alabama 35758, at the time of the events made the basis of this lawsuit and who/which injured Judy Mason and whose negligence, wantonness and/or breach of duty, which proximately caused or contributed to the injuries, and damages complained of by the Plaintiff; Nos. 9-12 being that person, firm, corporation or other entity who provided maintenance and upkeep on the premises, where the injuries, and damages caused to Judy Mason occurred; Nos. 13-16 being that person, firm, corporation or other entity who or which did any repair work on the premises where Judy Mason was injured and damaged on the occasion made the basis of the Plaintiff's complaint; Nos. 17-20 being that person, firm, corporation or other entity who/which owned, leased or in any way controlled the building or premises where the incident made the basis of the lawsuit occurred; Nos. 21-24 being that person, firm, corporation and/or other entity who in any way was responsible for maintaining the premises on which the incident made the basis of the lawsuit occurred. The Plaintiff avers that the identify of the fictitious party defendants herein are otherwise unknown to the Plaintiff, or, if their names are unknown to the Plaintiff, their entities as proper party defendants is not known to the Plaintiff at this time and their true names and/or identities will be substituted by amendment when ascertained.

Defendants.

## COMPLAINT

Comes now the Plaintiff, Judy Mason and for her Complaint against the Defendants, would state as follows:

DOCUMENT 2

1. The Plaintiff is an individual who resides in Limestone County, Alabama.

2. The Defendant, CVS Pharmacy Corporation, is a corporation doing business in Madison County, Alabama.

3. Defendants Nos. 1-4 being that person, firm, corporation or other entity who was the owner, operator, manager, shareholder, partner, limited partner, executive director and/or member of the CVS Pharmacy, located at 8470 Hwy. 20, Madison, Alabama 35758, at the time of the events made the basis of this lawsuit, who or which injured Judy Mason and who was guilty of negligence, wantonness, and/or breach of duty which proximately caused and/or contributed to the injuries, and damages complained of by the Plaintiff; Nos. 5-6 being that person, firm, corporation or other entity who is responsible for maintaining, cleaning, painting, marking, designating, and/or making safe the CVS Pharmacy parking lot located at 8470 Hwy. 20, Madison, Alabama 35758, at the time of the events made the basis of this lawsuit and who/which injured Judy Mason and whose negligence, wantonness and/or breach of duty, which proximately caused or contributed to the injuries, and damages complained of by the Plaintiff; Nos. 9-12 being that person, firm, corporation or other entity who provided maintenance and upkeep on the premises, where the injuries, and damages caused to Judy Mason occurred; Nos. 13-16 being that person, firm, corporation or other entity who or which did any repair work on the premises where Judy Mason was injured and damaged on the occasion made the basis of the Plaintiff's complaint; Nos. 17-20 being that person, firm, corporation or other entity who/which owned, leased or in any way controlled the building or premises where the incident made the basis of the lawsuit occurred; Nos. 21-24 being that person, firm, corporation and/or other entity who in any way was responsible for maintaining the premises on which the incident made the basis of the lawsuit occurred.


4. On or about August 9, 2017, Plaintiff, while an invitee was on the premises of the Defendants in Madison, Alabama, fell and was injured.

5. Plaintiff's said fall was the proximate result of the Defendants' negligence or wantonness and that with knowledge of a dangerous condition of the parking lot, curb and sidewalk, Defendant allowed the condition to remain there without taking action to correct the dangerous condition and without warning Plaintiff of the presence of the danger that the hazard posed.

6. As a proximate result of the Defendants' said negligence, the Plaintiff was caused to suffer personal injuries, pain and suffering, mental anguish, medical expense, future medical expense and other damages arising out of the Defendants' conduct.

7. Plaintiff claims punitive damages of the Defendants because of the Defendants' wanton conduct.

WHEREFORE, Plaintiff demands judgment against the Defendants in a sum to be determined by the trier of fact, plus costs.

  
WILLIAM L. MIDDLETON  
Attorney for Plaintiff  
Attorney Code # MID 002

OF COUNSEL:  
EYSTER, KEY, TUBB, ROTH  
MIDDLETON & ADAMS, LLP  
Post Office Box 1607  
Decatur, Alabama 35602  
(256) 353-6761  
(256) 353-6767 FAX  
e-mail: [wmiddleton@evsterkeylaw.com](mailto:wmiddleton@evsterkeylaw.com)

**JURY DEMAND**

The Plaintiff demands a trial by struck jury.

  
WILLIAM L. MIDDLETON,  
OF COUNSEL

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DEBRA KIZER, CLERK



**IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA**

**JUDY MASON,**

**Plaintiff,**

**Case No.: CV \_\_\_\_\_**

**vs.**

**CVS HEALTH CORPORATION, fictitious defendants A, B, & C being that person, firm, corporation or entity who was the owner, operator, manager, shareholder, partner, limited partner, executive director and/or member of the CVS Pharmacy located at 8470 Hwy. 20, Madison, Alabama 35758; at the time of the events made the basis of this lawsuit, who or which injured Judy Mason and who was guilty of negligence, wantonness, and/or breach of duty which proximately caused and/or contributed to the injuries, and damages complained of by the Plaintiff; Nos. 5-6 being that person, firm, corporation or other entity who is responsible for maintaining, cleaning, painting, marking, designating, and/or making safe the CVS Health Corporation parking lot located at 8470 Hwy. 20, Madison, Alabama 35758, at the time of the events made the basis of this lawsuit and who/which injured Judy Mason and whose negligence, wantonness and/or breach of duty, which proximately caused or contributed to the injuries, and damages complained of by the Plaintiff; Nos. 9-12 being that person, firm, corporation or other entity who provided maintenance and upkeep on the premises, where the injuries, and damages caused to Judy Mason occurred; Nos. 13-16 being that person, firm, corporation or other entity who or which did any repair work on the premises where Judy Mason was injured and damaged on the occasion made the basis of the Plaintiff's complaint; Nos. 17-20 being that person, firm, corporation or other entity who/which owned, leased or in any way controlled the building or premises where the incident made the basis of the lawsuit occurred; Nos. 21-24 being that person, firm, corporation and/or other entity who in any way was responsible for maintaining the premises on which the incident made the basis of the lawsuit occurred. The Plaintiff avers that the identify of the fictitious party defendants herein are otherwise unknown to the Plaintiff, or, if their names are unknown to the Plaintiff, their entities as proper party defendants is not known to the Plaintiff at this time and their true names and/or identities will be substituted by amendment when ascertained.**

**Defendants.**

**INTERROGATORIES TO DEFENDANT**

**Comes the Plaintiff in the above entitled cause, and desiring the testimony of the Defendant propounds to the Defendant the following interrogatories pursuant to Rule 33 of the**



**Alabama Rules of Civil Procedure.** These interrogatories shall be deemed to be continuing in nature so as to require supplemental answers if the Defendant or its attorney shall obtain further information between the time answers are served and the time of trial.

**1. State the name of the owner of the premises doing business as CVS Pharmacy at 8470 Hwy. 20, Madison, Alabama 35758 on or about August 9, 2017.**

**2. State the name of the entity responsible for maintenance of the premises doing business as CVS Pharmacy at 8470 Hwy. 20, Madison, Alabama 35758 on or about August 9, 2017.**

**3. State the name of the entity that operated the CVS Pharmacy at 8470 Hwy. 20, Madison, Alabama 35758 on or about August 9, 2017.**

**4. State whether or not there have been any other falls or accidents or other injuries at the CVS Pharmacy at 8470 Hwy. 20, Madison, Alabama 35758 on or about August 9, 2017 for the five (5) years prior to August 9, 2017 or from August 9, 2017 to date.**


**5. State when the Defendant first received notice of the Plaintiff's alleged accident and how said notice was received.**

**6. State whether or not any changes have been made to the location where the Plaintiff fell since her alleged accident and injury.**

7. State the names of any and all employees who had managerial responsibility for the CVS Pharmacy located at 8470 Hwy. 20, Madison, Alabama 35758 on or about August 9, 2017 on the date of the Plaintiff's alleged injuries.

8. State the names of any persons with knowledge of the Plaintiff's fall or any other falls or accidents on the premises within the five (5) years prior to the Plaintiff's alleged injuries and to the present.

9. State the parties to any of other lawsuits involving falls or accidents on the Defendant's premises at CVS Pharmacy located at 8470 Hwy. 20, Madison, Alabama 35758 on or about August 9, 2017 for the period five (5) years prior to the Plaintiff's alleged accident to date.


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**WILLIAM L. MIDDLETON**  
Attorney for Plaintiff  
Attorney Code # MID 002

**OF COUNSEL:**

**EYSTER, KEY, TUBB, ROTH  
MIDDLETON & ADAMS, LLP**  
Post Office Box 1607  
Decatur, Alabama 35602  
(256) 353-6761  
(256) 353-6767 FAX  
e-mail: [wlmiddleton@eysterkeylaw.com](mailto:wlmiddleton@eysterkeylaw.com)

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Defendants.


## REQUEST FOR PRODUCTION

Comes now the Plaintiff and requests the Defendant to respond within thirty (30) days to the following:

That the Defendant produce and permit said Plaintiff to inspect and copy each of the following documents:


1. A copy of the lease agreement for the premises doing business as CVS Pharmacy located at 8470 Hwy. 20, Madison, Alabama 35758.
2. A copy of any and all maintenance contracts for the premises doing business as CVS Pharmacy located at 8470 Hwy. 20, Madison, Alabama 35758 that were in effect on August 9, 2017.
3. Any and all accident reports involving the Plaintiff's alleged accident and any other accident reports from the time period five (5) years prior to the Plaintiff's fall to date for the premises located 8470 Hwy. 20, Madison, Alabama 35758.
4. Any and all documents, materials or things which relate to any changes to the premises where the Plaintiff's alleged injury occurred.
5. Any and all photographs, video or other evidence of the condition of the premises on the date of the Plaintiff's alleged accident.

The Defendant is requested to make such production at the offices of Eyster, Key, Tubb, Roth, Middleton & Adams, 402 E. Moulton Street, P. O. Box 1607, Decatur, Alabama 35602.

  
WILLIAM L. MIDDLETON  
Attorney for Plaintiff  
Attorney Code # MID 002

OF COUNSEL:  
EYSTER, KEY, TUBB, ROTH  
MIDDLETON & ADAMS, LLP  
Post Office Box 1607  
Decatur, Alabama 35602  
(256) 353-6761  
(256) 353-6767 FAX  
e-mail: wlmiddleton@eysterkeylaw.com



State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> <b>47-CV-2019-900119.00</b>
<b>IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA</b> <b>JUDY MASON V. CVS HEALTH CORPORATION</b>		
<b>NOTICE TO:</b> CVS HEALTH CORPORATION, CT CORPORATION SYSTEM 2 N. JACKSON ST., STE 605, MONTGOMERY, AL 36104 <div style="text-align: center;"><i>(Name and Address of Defendant)</i></div>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), WILLIAM L. MIDDLETON MR. <div style="text-align: center;"><i>(Name(s) of Attorney(s))</i></div>		
WHOSE ADDRESS(ES) IS/ARE: P. O. BOX 1607, DECATUR, AL 35602 <div style="text-align: center;"><i>(Address(es) of Plaintiff(s) or Attorney(s))</i></div>		
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<u>1/18/2019 11:33:55 AM</u> <i>(Date)</i>	<u>/s/ DEBRA KIZER</u> <i>(Signature of Clerk)</i>	By: _____ <i>(Name)</i>
<input checked="" type="checkbox"/> Certified Mail is hereby requested. <u>/s/ WILLIAM L. MIDDLETON MR.</u> <div style="text-align: center;"><i>(Plaintiff's/Attorney's Signature)</i></div>		
<b>RETURN ON SERVICE</b>		
<input type="checkbox"/> Return receipt of certified mail received in this office on _____ <div style="text-align: right;"><i>(Date)</i></div>		
<input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ <div style="text-align: center;"><i>(Name of Person Served)</i></div>		
In _____ County, <div style="text-align: center;"><i>(Name of County)</i></div>		
Alabama on _____ <div style="text-align: center;"><i>(Date)</i></div>		
_____ <i>(Type of Process Server)</i>	_____ <i>(Server's Signature)</i>	_____ <i>(Address of Server)</i>
_____ <i>(Server's Printed Name)</i>		
_____ <i>(Phone Number of Server)</i>		
<b>47-CV-2019-900119.00</b> <b>JUDY MASON V. CVS HEALTH CORPORATION</b>		
C001 - JUDY MASON <i>(Plaintiff)</i>	v.	D001 - CVS HEALTH CORPORATION <i>(Defendant)</i>
		
<b>SERVICE RETURN COPY</b>		